

EXHIBIT “G”

COPY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
DONNY A. SINKOV, as Administrator of
the Estate of Spencer E. Sinkov, deceased,
DONNY A. SINKOV, and HARA SINKOV,

Plaintiffs,

-against-

07 Civ. 2866 (CLB)

DONALD B. SMITH, individually and in his
official capacity as Sheriff of Putnam County,
JOSEPH A. VASATURO, individually,
LOUIS G. LAPOLLA, individually,
THE COUNTY OF PUTNAM, New York,
and AMERICOR, INC.,

Defendants.

-----X

Date: December 10, 2007
Time: 2:13 p.m.
Place: 3 Gannett Drive
White Plains, New York

VIDEOTAPED DEPOSITION OF HARA S. SINKOV,
a Plaintiff in the above-captioned matter, held pursuant
to Notice, at the above time and place, before Stacie
Gero, CSR, a Notary Public of the State of New York.

COURT REPORTING ASSOCIATES, INC.
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(845) 225-0024

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3 A P P E A R A N C E S:

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LOVETT & GOULD, LLP
Attorneys for Plaintiffs
222 Bloomingdale Road
White Plains, New York 10605
BY: KIM BERG, ESQ.

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SANTANGELO, RANDAZZO & MANGONE, LLP
Attorneys for Defendants Smith, Vasaturo, Lapolla,
and the County of Putnam
151 Broadway
Hawthorne, New York 10532
BY: JAMES A. RANDAZZO, ESQ.

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WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER, LLP
Attorney for Defendants
3 Gannett Drive
White Plains, New York 10604-3407
BY: BERNICE E. MARGOLIS, ESQ.

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17 A L S O P R E S E N T:

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Donny A. Sinkov
Alice Brodie
Michael S. Bennett, Videographer,
Richmond Legal Video

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S T I P U L A T I O N S

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IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for the respective parties hereto, that the sealing and filing of the within deposition be waived.

IT IS FURTHER STIPULATED AND AGREED that this deposition may be signed and sworn to before any officer authorized to administer an oath with the same force and effect as if signed and sworn to before the officer before whom said deposition is taken.

IT IS FURTHER STIPULATED AND AGREED that all objections, except as to form, are reserved to the time of trial.

2 THE VIDEOGRAPHER: We are now on the
3 record beginning approximately 2:14 p.m., December 10,
4 2007.

5 This is the deposition of Hara Sinkov
6 taken on behalf of defendants in the matter of Donny A.
7 Sinkov, As Administrator of the Estate of Spencer E.
8 Sinkov, Deceased, Donny A. Sinkov and Hara Sinkov,
9 Plaintiffs, against Donald B. Smith, individually and in
10 his official capacity as Sheriff of Putnam County,
11 Joseph Vasaturo, individually, Louis Lapolla,
12 individually, the County of Putnam, New York, and
13 Americor, Inc., Defendants.

14 The location at which this deposition is
15 being taken is the offices of Wilson, Elser, Moskowitz,
16 Edelman & Dicker, LLP, located at 3 Gannett Drive in
17 White Plains, New York. Present along with Ms. Sinkov
18 is the stenographic reporter, Stacie Gero, with Court
19 Reporting Associates, Inc., of Carmel, New York, and
20 currently speaking, the videographer, Michael Bennett
21 with Richmond Legal Video of White Plains, New York.

22 Would counsel please identify themselves?

23 MS. BERG: Counsel for the Plaintiff, Kim
24 Berg of Lovett & Gould, LLP.

25 MR. RANDAZZO: James Randazzo for

1 HARA SINKOV

2 Defendants Donald B. Smith, Joseph A. Vasaturo, Louis G.
3 Lapolla, and the County of Putnam.

4 MS. MARGOLIS: Bernice Margolis, Wilson,
5 Elser, Moskowitz, Edelman & Dicker, for Defendant
6 Americor, Inc.

7 MS. BRODIE: Alice Brodie, Wilson, Elser
8 Edelman, Moskowitz & Dicker for Americor.

9 THE VIDEOGRAPHER: Thank you very much.
10 Would the reporter please swear in the witness.

11 HARA SINKOV,
12 Having been first duly sworn by Stacie Gero, a
13 Notary Public of the State of New York, was
14 examined and testified as follows:

15 * * * * *

16 EXAMINATION BY MR. RANDAZZO:

17 Q. Please state your name and address for the
18 record.

19 A. Hara S. Sinkov, 31 Boswell Road, Putnam
20 Valley, New York, 10579.

21 Q. Good afternoon, Ms. Sinkov. I'm going to be
22 asking you some follow-up questions in connection with a
23 lawsuit that you filed in this matter.

24 If at any time I ask you something that you
25 don't understand, let me know. I'll be happy to

1 HARA SINKOV

2 rephrase it for you.

3 Of course, if at any time you want to change
4 or modify an answer that you gave already, just let me
5 know. We can certainly go back and do that.

6 Now, you were present for your husband's
7 deposition this morning?

8 A. Yes, I was.

9 Q. Can you describe your educational background?

10 A. I graduated through graduate school at Hunter
11 College.

12 Q. And when was that?

13 A. 19 -- let's see. 1978.

14 Q. And what did you study in graduate school?

15 A. Speech pathology and audiology.

16 Q. Approximately three years ago, were you
17 diagnosed with cancer?

18 A. Yes, for the second time.

19 Q. Okay. And what type of cancer were you
20 diagnosed with at that time?

21 A. Metastatic breast cancer.

22 Q. And did you undergo an operation or operations
23 about three years ago?

24 A. Yes.

25 Q. And you've had no operations since then; is

1 HARA SINKOV

2 that correct?

3 A. That's correct.

4 Q. Are you on any medication today?

5 A. Yes, I am.

6 Q. And what are you taking?

7 A. I'm on two types of chemotherapy; Xeloda,
8 which is a pill that I take twice a day and -- I can't
9 remember the name of the other one. I can't remember
10 the name.

11 Q. Is that in pill form also?

12 A. No. That's -- that's intravenously
13 administered at my doctor's office.

14 Q. How often is that?

15 A. It's once a week for two weeks and then a week
16 off. Abraxane.

17 Q. Okay. And which doctor's office is that done
18 at?

19 A. Dr. Asim Aijaz.

20 Q. Has any doctor discussed a prognosis with you
21 with respect to the cancer?

22 A. I should have been dead three years ago.

23 Q. When did you have that discussion?

24 A. Actually, Dr. Aijaz took my husband aside when
25 I first went into the hospital and told him that I

1 HARA SINKOV

2 probably wasn't going to come out standing up.

3 Q. This is when you had the operation three years
4 ago?

5 A. Yes.

6 Q. Has anybody discussed a prognosis with you in
7 the last six to eight months?

8 A. No. They don't do -- I don't think they put
9 themselves out.

10 Q. Now, after you had your operation three years
11 ago, you were living at 31 Boswell Road; is that right?

12 A. That's right.

13 Q. In Putnam Valley?

14 A. Uh-huh.

15 Q. And Spencer was residing at the home with you
16 at that time?

17 A. Yes.

18 Q. After you had the operation and you were back
19 home, did Spencer provide any services to you?

20 A. He did a lot of things for me, yes.

21 Q. Can you describe for us what he did for you?

22 A. He would prepare meals. He did household
23 chores that I had normally been doing, such as shopping,
24 cooking, cleaning. Generally straightening things out.
25 Answering the phone. Taking -- just taking care of a

1 HARA SINKOV

2 lot of little things.

3 Q. Did he provide any personal care to you,
4 things that he had to do for you individually?

5 A. He would get compresses for me. Things like
6 that. Bring me a cup with my toothbrush if I couldn't
7 get up.

8 Q. How often would he prepare meals?

9 A. He always did something every day for me to
10 make sure that I ate something. As far as larger meals,
11 maybe twice a week.

12 Q. And the other chores around the house, how
13 often would he do those things?

14 A. Well, he was very helpful as far as doing work
15 that my husband would normally do, such as shoveling the
16 snow and cutting the grass. That kind of thing.

17 Q. Did there come a point in time after your
18 operation that you were able to resume your normal
19 routine and duties?

20 A. Never completely back to normal, but where I
21 did get to the point where I could do a lot more than I
22 had been doing.

23 Q. And about when was that?

24 A. It's hard to say. I'm on my, about, fifth
25 line of treatment, and in between I would recuperate

1 HARA SINKOV

2 enough to do my normal chores. So it would be months
3 with a space of weeks in between.

4 Q. Does anybody do these chores now that Spencer
5 used to do?

6 A. A lot of it goes undone.

7 Q. Did anyone provide any help to you while
8 Spencer was attending school or while he was working?

9 A. He -- he would always come and go. He never
10 took such a heavy load of classes that he was out of the
11 house for more than four or five hours, and while he was
12 work -- he only also worked for a period of, say, three
13 or four hours, so he always came home in between. And
14 my husband was retired from his job in the City, so he
15 was also in and out.

16 Q. Back in May of 2006, Spencer had a girlfriend
17 by the name of Natalie Klein; is that correct?

18 A. That's correct.

19 Q. Have you spoken to Natalie Klein at all in the
20 last six months?

21 A. Yes.

22 Q. When for the last time did you do that?

23 A. Well, Natalie and I text each other and
24 e-mail, and she was supposed to stop by at Thanksgiving,
25 but I guess she got too busy because she didn't come by.

1 HARA SINKOV

2 But -- she will -- I'm sure that I'll be seeing her
3 before Christmas.

4 Q. Have you been in touch with her since Spencer
5 passed away?

6 A. Yes.

7 Q. Had regular contact with her?

8 A. Yes.

9 Q. Where does she live?

10 A. Well, she's a student at Bard College and she
11 has an apartment there, and when she's not at Bard, she
12 stays mainly with her mother. I think she lives in
13 Hartsdale.

14 Q. Do you know her telephone number?

15 A. Not offhand, but I can give it to you.

16 Q. Thank you.

17 MS. BERG: Do you want to leave a blank
18 in the transcript?

19 MR. RANDAZZO: Yes, we can do that. It's
20 the easiest way I think.

21 (NATALIE KLEIN'S PHONE NUMBER REQUESTED
22 BY COUNSEL.)

23 _____

24 BY MR. RANDAZZO:

25 Q. Before the time that you most recently saw

1 HARA SINKOV

2 Natalie, when was the last time that you saw her?

3 A. I think before she started school in
4 September.

5 Q. Prior to Spencer being arrested, did you ever
6 have any discussions with him about his addiction to
7 heroin?

8 A. Yes.

9 Q. On how many occasions would you say?

10 A. There were many small conversations that were
11 geared mainly toward what we could do to help him and
12 how did we get in this situation.

13 Q. And what do you recall him saying during those
14 conversations?

15 A. The programs that he looked into -- he did a
16 lot of this himself; he was a very self-motivated
17 person -- he found to be inadequate in that although
18 they offered help initially for maybe a week, there was
19 no follow-up and he really needed some -- something more
20 long term. We were investigating residential programs
21 at the time of his death. He also found that there
22 wasn't anything for his age group. If he had been
23 younger, there would have been programs, and if he were
24 older, there would have been programs where he could
25 have checked himself in. But there didn't seem to be

1 HARA SINKOV

2 anything that -- that he felt was adequate. So

3 (pause) --

4 Q. Well, did he ever express to you his feelings
5 on going into a residential treatment facility?

6 A. That wouldn't have been his first choice, but
7 I think that he -- he wanted to get off heroin very
8 badly. I know that before he -- before he was arrested,
9 he told me that he was self-medicating to try to undo
10 the effects of the heroin, so he was taking drugs that
11 I -- I'm not really that familiar with.

12 Q. Do you recall any of the names of the drugs
13 that he was taking for that purpose?

14 A. Not really.

15 Q. Did Spencer ever discuss with you the fact
16 that he had thoughts of hurting himself, injuring
17 himself, or killing himself?

18 A. No.

19 Q. After Spencer was arrested the next day -- I
20 believe it was May 20, 2006 -- did you go to visit him
21 at the Putnam County Correctional Facility?

22 A. Yes.

23 Q. And you went with your husband and your other
24 son Trevor?

25 A. Yes.

1 HARA SINKOV

2 Q. And you had a chance to meet with Spencer for
3 about 15 minutes or so?

4 A. Yes.

5 Q. Did you have a conversation with him at that
6 time?

7 A. Yes.

8 Q. And can you tell me the best that you recall
9 everything that was said during the conversation that
10 you had?

11 A. My husband asked him if he was okay, if he had
12 been mistreated in any way, and if he was going through
13 withdrawal. And he said that it wasn't bad yet. And
14 Trevor leaned over to me and said that it would come on
15 kind of suddenly and that it would get bad quickly. And
16 it was a conversation -- part of the conversation was
17 that he was told he'd be in jail for 25 years and that
18 he was being assigned an attorney. And we told him that
19 we would get him a private attorney and that we would
20 get him out of there. And he said something like, "I
21 know this is bad." And I said, "No, Spencer. Not doing
22 your homework is bad. This is serious." And I think
23 those were the last things that -- the last words that I
24 said to him other than "We'll see you in a couple of
25 days."

1 HARA SINKOV

2 He -- there was conversation also about him
3 being given Methadone or something to help him out, and
4 the guard who was standing only a few feet away and
5 focused on what we were saying told us that he hadn't
6 been classified and wouldn't be for five days and so he
7 wasn't entitled to anything. And I remember thinking
8 what good is it going to do in five days, he would be
9 over it on his own.

10 Q. Did you say anything to the guard?

11 A. No. And I'm sorry that I didn't. We felt
12 intimidated by him being so close.

13 Q. Do you know who the guard was?

14 A. No, I don't.

15 Q. Did you have any discussions with Spencer as
16 to why he had been arrested, why he was in custody?

17 A. No.

18 Q. Do you recall anything else being said during
19 the time that you were there?

20 A. No.

21 Q. At any time, have you ever had any
22 conversations or discussions with any member of the
23 Putnam County Sheriff's Department about Spencer?

24 A. No.

25 Q. What about with any employees of the

1 HARA SINKOV

2 correctional facility?

3 A. No.

4 Q. Have you ever spoken to Sheriff Smith?

5 A. No.

6 Q. Or Joseph Vasaturo?

7 A. No.

8 Q. Or Louis Lapolla?

9 A. No.

10 (Discussion held off the record between
11 Mr. Randazzo and Ms. Margolis.)

12 BY MR. RANDAZZO:

13 Q. Do you currently have any future surgeries
14 planned?

15 A. No.

16 MR. RANDAZZO: Thank you. I have no
17 further questions.

18 MS. MARGOLIS: One second.

19 MS. BERG: Let's go off.

20 THE VIDEOGRAPHER: Do you want to go off?

21 MS. BERG: Yes.

22 THE VIDEOGRAPHER: We are off the record
23 at 2:32 p.m.

24 (Discussion held off the record.)

25 THE VIDEOGRAPHER: We are back on the

1 HARA SINKOV

2 record. The time is 2:38 p.m.

3 EXAMINATION BY MS. MARGOLIS:

4 Q. Good afternoon. My name is Bernice Margolis.
5 I'm with the firm of Wilson, Elser, Moskowitz, Edelman &
6 Dicker, and our firm represents Americor, Inc., with
7 respect to this action. I actually just have a handful
8 of questions for you.

9 Either prior to or after Spencer's death, had
10 you ever spoken with or had any communications with
11 anyone who is employed by Americor, Inc.?

12 A. No.

13 Q. Either prior to Spencer's or after his death,
14 did you ever have any communications or discussions with
15 Peter Clark?

16 A. No.

17 Q. How about Susan Waters?

18 A. No.

19 Q. And how about Kevin Duffy?

20 A. No.

21 MS. MARGOLIS: Thank you very much.

22 EXAMINATION BY MS. BERG:

23 Q. Hara, were you aware prior to Spencer's death
24 as to whether or not he was assisting your husband Donny
25 in connection with the four-family property in

1 HARA SINKOV

2 Peekskill?

3 A. Oh, yes.

4 Q. And what did you know about that?

5 A. Spencer was very excited about the prospect of
6 owning that house himself and was always up for working
7 on the house whenever it needed any attention, such as
8 renovation, repair, or maintenance.

9 Q. And do you know how often he was performing
10 services in connection with that property?

11 A. He spent hours a week. It's hard to say. It
12 would depend on whether there was an ongoing project or
13 the weather, but he probably spent I would say ten hours
14 a week, average, through the year.

15 Q. And was this while he was also attending
16 Westchester Community College?

17 A. Yes.

18 Q. And caring for you?

19 A. Yeah.

20 Q. And in terms of the care that he provided to
21 you, other than assisting you in the household chores,
22 including cooking or providing you with meals, did he
23 provide companionship or any other type of service?

24 A. Yes. I hadn't really thought about that, but
25 he did. He would get books for me and he would -- it

1 HARA SINKOV

2 sounds silly, he would watch television with me.

3 Q. And in terms of the shopping that he would do,
4 you indicated that he would do some food shopping or
5 grocery shopping?

6 A. Yes.

7 Q. How often did he do that?

8 A. A couple of times of a week.

9 Q. Did Spencer ever speak with you about what he
10 wanted to do in terms of work once he graduated college?

11 A. Yes. He -- we -- I used to ask him what
12 subjects interested him the most, and he, to my
13 surprise, was interested in economics and history. So
14 if he didn't end up teaching music, he said he might
15 want to teach economics or history.

16 Q. And did he ever speak with you about how
17 far -- in terms of an educational degree, how far he
18 wanted to pursue that?

19 A. Well, he knew that he would have to get a
20 master's degree eventually to become a tenured teacher,
21 so -- but the plan was that he would just keep going to
22 school as much as he could handle at a time.

23 Q. Did you discuss with him what level he wanted
24 to teach, elementary or secondary education?

25 A. I think he liked high school students.

1 HARA SINKOV

2 Q. During the time that you visited with Spencer
3 while he was incarcerated at the Putnam County
4 Correctional Facility, did he say anything about being
5 placed on any kind of a supervisory watch?

6 A. No.

7 Q. Did he indicate anything about any suicide
8 screening that was done?

9 A. No.

10 Q. And can you describe his physical appearance
11 during that visit?

12 A. Oh, he looked awful. He was extremely pale
13 with circles under his eyes and he looked clammy. He
14 was very -- he was a very thin person to begin with and
15 he -- and fair, so he looked translucent.

16 MS. BERG: I don't have anything else.
17 Thanks.

18 MR. RANDAZZO: I don't have anything
19 further.

20 MS. MARGOLIS: Nothing further.

21 THE VIDEOGRAPHER: This will conclude
22 this deposition of Hara Sinkov, and we are off the
23 record at 2:43 p.m., December 10, 2007.

24 (At 2:43 p.m., the examination of this
25 witness was concluded.)

1 HARA SINKOV

2 J U R A T

3

4 STATE OF)

5 COUNTY OF)

6 I, _____, have read the
7 foregoing record of my testimony taken at the time and
8 place noted in the heading hereof and do hereby
9 acknowledge: (Check one)

10

11 () That it is a true and correct
12 transcript of same

13

14 () With the exceptions noted in the
15 attached errata sheet, it is a true and
16 correct transcript of same

17

18 _____
19 Hara Sinkov

20 Subscribed and sworn to before me

21 this _____ day of _____, 200__.

22 _____

23 Notary Public

24 My commission expires: _____.

25

1 HARA SINKOV

2 E R R A T A S H E E T

3 Please note any errors or corrections on this sheet.

4 Indicate a reason for any change or correction.

5 PAGE \ LINE \ CHANGE \ REASON

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24 _____ Hara Sinkov

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C E R T I F I C A T E

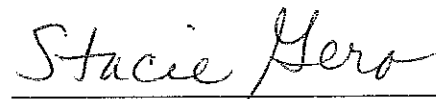
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I, STACIE GERO, a shorthand reporter and
Notary Public within and for the State of New York, do
hereby certify:

That the witness whose deposition is
hereinbefore set forth was duly sworn by me and that the
within transcript is a true and accurate record to the
best of my knowledge and ability.

I further certify that I am not related to any
of the parties to this action by blood or marriage and
that I am in no way interested in the outcome of this
matter.

IN WITNESS WHEREOF, I have hereunto set my
hand.



Stacie Gero, CSR

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9	BY COUNSEL.		

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